

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN BAKER,

Plaintiff,

v.

AVENUE5 RESIDENTIAL et al.,

Defendants.

CASE NO. 2:24-cv-01862-JHC

ORDER AFFIRMING DENIAL OF
RECUSAL (DKT. NO. 31)

This matter comes before the Court on Judge John Chun's denial (Dkt. No. 34) of Plaintiff's motion for his recusal. (Dkt. No. 31.) Local Civil Rule 3(f) provides that whenever a judge in this District declines to voluntarily recuse his or herself from a case following a party's motion to recuse pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, "he or she will direct the clerk to refer the motion to the chief judge." Accordingly, this Court now reviews Judge Chun's decision not to recuse.

Motions for recusal are governed by 28 U.S.C. § 144 and 28 U.S.C. § 455. Recusal is required if a judge's impartiality might reasonably be questioned or if the judge harbors personal

1 bias or prejudice against a party. 28 U.S.C. § 455(a), (b)(1). Such bias or prejudice must derive
2 from an extrajudicial source. *Agha-Khan v. Mortgage Elec. Registration Sys., Inc.*, 2022 WL
3 501564, at *1 (9th Cir. Feb. 18, 2022); *Mayes v. Leipziger*, 729 F.2d 605, 607 (9th Cir.
4 1984). Under both 28 U.S.C. § 144 and 28 U.S.C. § 455, recusal of a federal judge is
5 appropriate if “a reasonable person with knowledge of all the facts would conclude that the
6 judge’s impartiality might reasonably be questioned.” *Yagman v. Republic Ins.*, 987 F.2d 622,
7 626 (9th Cir. 1993). This is an objective inquiry concerned with whether there is the appearance
8 of bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir.
9 1992).

10 Plaintiff seeks Judge Chun’s recusal because Judge Chun denied “each and every one of
11 [his] motions”, discriminated against him based on his disabilities, and demonstrated “personal
12 bias and prejudice” against Plaintiff. (Dkt. No. 31.) Plaintiff further alleges Judge Chun is
13 biased in favor of one of the defendants, a property management company, because Judge Chun
14 has “a litigation background from New York in real estate.” (*Id.*) With respect to Judge Chun’s
15 orders denying Plaintiff’s motions, adverse rulings cannot serve as the basis for a recusal motion.
16 *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986) (“alleged prejudice must result from
17 an extrajudicial source; a judge’s prior adverse ruling is not sufficient cause for recusal”); *United*
18 *States v. Nelson*, 718 F.2d 315, 321 (9th Cir. 1983) (“Adverse rulings do not constitute the
19 requisite bias.”). Plaintiff does not cite, and the Court does not find, any evidence that Judge
20 Chun has any personal animus towards Plaintiff or that he discriminated against him based on his
21 disabilities. As for any bias stemming from Judge Chun’s prior employment, in his order
22 declining to recuse, Judge Chun noted that Plaintiff’s assertions about his background are not
23
24

1 correct, and even if they were, having a litigation background in real estate alone is insufficient
2 to establish bias. (Dkt. No. 34.)

3 Plaintiff has presented no arguments or evidence that could reasonably call Judge
4 Chun's impartiality into question. Accordingly, the Court AFFIRMS Judge Chun's denial (Dkt.
5 No. 34) of Plaintiff's motion for recusal (Dkt. No. 31).

6 Dated this 25th day of March, 2025.

7
8 

9 _____
David G. Estudillo
United States District Judge